

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;
Mark Acton, Vice Chairman;
Tony Hammond; and
Nanci E. Langley

Competitive Product Prices
GEPS 7 (MC2016-196)
Negotiated Service Agreements

Docket No. CP2016-280

ORDER GRANTING MOTION FOR TEMPORARY RELIEF

(Issued September 27, 2017)

The negotiated service agreement approved in this proceeding (Existing Agreement) is set to expire September 30, 2017.¹ On September 25, 2017, the Postal Service filed a motion for temporary relief seeking to extend the expiration date of the Existing Agreement.²

The Postal Service states that it is in the process of negotiating with the customer a possible successor to the Existing Agreement. Motion at 1. On September 25, 2017, the Postal Service sent a modification to the customer that would extend the Existing

¹ Docket Nos. MC2016-196 and CP2016-280, Order No. 3542, Order Adding Global Expedited Package Services 7 to the Competitive Product List and Designating Baseline Agreement, September 27, 2016, at 3.

² Motion for Temporary Relief Concerning Global Expedited Packages Services 7 Negotiated Service Agreement, September 25, 2017 (Motion).

Agreement until November 30, 2017, but this modification has not yet been signed. *Id.* The Postal Service states that it will file that modification in this docket once the modification has been signed. *Id.* To maintain continuity of pricing, the Postal Service requests that the Commission continue to list the Existing Agreement in the Mail Classification Schedule through November 30, 2017. *Id.* The Postal Service acknowledges that its filing is untimely and states that its delay in submitting to the modification to the customer is the result of the large volume of international negotiated service agreements it recently processed. *Id.* at 1 n.2.

The imminent filing of a modification suggests a good faith effort on the part of the Postal Service to avoid relying on motions for temporary relief as a standard practice, in keeping with Commission guidance.³ This brief extension will not impair the ability of the Existing Agreement to comply with 39 U.S.C. § 3633, will avoid disruption in contract administration, and will not prejudice any person. Consequently, the Existing Agreement is modified to continue until November 30, 2017.

The Postal Service shall promptly file notice with the Commission if the Existing Agreement is terminated prior to the revised expiration date.

³ See Docket No. CP2012-38, Order No. 2685, Order Granting Second Motion for Temporary Relief, August 26, 2015, at 2 (urging the Postal Service to use contract extensions only in limited circumstances and not as a standard practice).

It is ordered:

1. The Motion for Temporary Relief Concerning Global Expedited Packages Services 7 Negotiated Service Agreement, filed by the Postal Service on September 25, 2017, is granted.
2. The Commission approves an extension of the Existing Agreement until November 30, 2017.
3. The Mail Classification Schedule will continue to list the Existing Agreement according to the terms set forth in this Order.
4. The Postal Service shall promptly file notice of the termination of the Existing Agreement if such termination occurs prior to the revised expiration date.

By the Commission.

Stacy L. Ruble
Secretary